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# UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

## Protection of Palestine refugees

## Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 48/40 H of 10 December 1993, entitled "Protection of Palestine refugees", the operative paragraphs of which read as follows:

> "The General Assembly,
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> "...
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> "1. Holds Israel responsible for the security of the Palestine refugees in the occupied Palestinian territory, including Jerusalem, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; 1/
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> "2. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof;
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> "3. Urges the Security Council to remain seized of the situation in the occupied Palestinian territory;
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> "4. Urges the Secretary-General and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue their efforts in support of the upholding of the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation since 1967;

"5. Calls once again upon Israel to desist forthwith from acts of aggression against the Lebanese and Palestinian population in Lebanon, in violation of the Charter of the United Nations and the norms of international law;

"6. Demands that Israel, the occupying Power, release forthwith all arbitrarily detained Palestine refugees, including the employees of the Agency;

"7. Calls once again upon Israel to compensate the Agency for damages to its property and facilities resulting from the invasion of Lebanon by Israel in 1982, without prejudice to the responsibility of the latter for all damages resulting from that invasion, as well as for other damages resulting from the policies and practices of Israel, the occupying Power, in the occupied Palestinian territory;

"8. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-ninth session, on the implementation of the present resolution."

2. On 27 July 1994, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 27 July 1994, the Permanent Representative of Israel replied as follows:

"Israel's position on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years, the latest of which being Israel's note verbale dated 15 June 1993. In addition, Israel's representative to the Special Political and Decolonization Committee reiterated Israel's position in his statement dated 8 December 1993 in which he said, inter alia, 'The series of resolutions on UNRWA ignores the new political reality following the agreement between Israel and the PLO, as well as the bilateral and multilateral negotiations.' Accordingly, Israel abstained on resolutions 48/40 A and D, and voted against resolutions 48/40 E to J.

"It should be noted that, in the past year, major progress has been achieved in the framework of the peace process, including the Declaration of Principles signed in Washington, D.C. on 13 September 1993 by Israel and the PLO, and the subsequent Agreement on the Gaza Strip and the Jericho Area, signed in Cairo on 4 May 1994. Israel believes that UNRWA can play an important role in promoting the social and economic advancement foreseen in the agreements between Israel and the PLO, and accordingly looks forward to continuing the cooperation and good working relationship with UNRWA.

"In the light of the above, Israel considers it essential, now more than ever, that the General Assembly focus its resolutions regarding UNRWA

on the issues directly related to the agency's humanitarian tasks and that it refrain from adopting resolutions related to political issues irrelevant to the work for which UNRWA is responsible, and detached from the new reality.

"To this end, it would be advisable to consolidate the resolutions adopted by the General Assembly regarding UNRWA into one resolution. This would also be compatible with the necessity to rationalize the work of the General Assembly."

4. As set out in his annual report for the period 1 July 1993 to 30 June 1994, 2/ the Commissioner-General of UNRWA has continued his efforts, with the Secretary-General, in support of the safety and security and the legal and human rights of the Palestine refugees in the occupied territory. In this connection, the Agency's refugee affairs officers and legal officers continued to play an important role in assisting to defuse tensions in situations of potential and actual violence, at times involving Israeli settlers, and in preventing maltreatment of the refugees. In this regard, the Agency also provided help to the refugees to cope with day-to-day problems of their life under occupation, which included the provision of legal advice and a measure of financial assistance to needy refugees seeking legal redress. The Commissioner-General has protested to the Israeli authorities against incidents of excessive use of force, collective punishments and other such measures, as a failure on the part of the Israeli military authorities to uphold standards required under international humanitarian law. With the redeployment of the Israeli security forces away from large areas of the Gaza Strip and from the Jericho area, and the consequent decline in violent incidents involving the Israeli security forces and Palestinians in those areas, the passive protection function as outlined above which was provided by the refugee affairs officers in the Gaza Strip and the Jericho area was discontinued by the Agency. A fuller description of the efforts of the Commissioner-General in this regard is contained in his annual report. 2/

5. The annual report of the Commissioner-General of UNRWA to the General Assembly reviews the efforts UNRWA has made during the period to continue its programme for the repair and reconstruction of refugee shelters. 3/

6. There has been no progress on the claim by UNRWA against the Government of Israel regarding damage to its property and facilities resulting from the Israeli invasion of Lebanon in 1982.

## Notes

1/ United Nations, Treaty Series, vol. 75, No. 973.

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13 (A/49/13).

3/ Ibid. (A/49/13), chaps. I, II and IV.

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